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Attorneys for Defendant

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CENTRO LEGAL DE LA RAZA,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS,

Defendant.

CASE NO. 3:20-cv-05839-LB

**STIPULATION OF SETTLEMENT AND
DISMISSAL WITH PREJUDICE**

1 IT IS HEREBY STIPULATED by and between the undersigned Plaintiff and Defendant, by and
2 through their respective attorneys, as follows:

3 1. Defendant shall pay \$6,763.50 (six thousand seven hundred sixty-three dollars and fifty
4 cents) to Plaintiff in full and complete satisfaction of Plaintiff's claims for attorneys' fees, costs, and
5 litigation expenses under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, as amended, in the
6 above-captioned matter. This payment shall constitute full and final satisfaction of any and all of
7 Plaintiff's claims for attorneys' fees, costs, and litigation expenses in the above-captioned matter, and is
8 inclusive of any interest. Payment of this money will be made by electronic funds transfer or check after
9 the filing of this Stipulation and after receipt of necessary information from Plaintiff in order to
10 effectuate the payment. Defendant will make all reasonable efforts to make payment within thirty (30)
11 days of the date that Plaintiff's counsel provides the necessary information for the electronic funds
12 transfer and this Stipulation is filed but cannot guarantee payment within that time frame.

13 2. Upon the execution of this Stipulation, Plaintiff, having received the records it requested,
14 hereby releases and forever discharges Defendant, its successors, the United States of America, and any
15 department, agency, or establishment of the United States, and any officers, employees, agents,
16 successors, or assigns of such department, agency, or establishment, from any and all claims and causes
17 of action that Plaintiff asserts or could have asserted in this litigation, or which hereafter could be
18 asserted by reason of, or with respect to, or in connection with, or which arise out of, the specific FOIA
19 requests on which this action is based, including but not limited to all past, present, or future claims for
20 attorneys' fees, costs, or litigation expenses in connection with the above-captioned litigation.

21 3. The provisions of California Civil Code Section 1542 are set forth below:

22 "A general release does not extend to claims that the creditor or releasing
23 party does not know or suspect to exist in his or her favor at the time of
24 executing the release and that, if known by him or her, would have
materially affected his or her settlement with the debtor or released party."

25 Plaintiff having been apprised of the statutory language of Civil Code Section 1542 by Plaintiff's
26 attorney, and fully understanding the same, nevertheless elects to waive the benefits of any and all rights
27 Plaintiff may have pursuant to the provision of that statute and any similar provision of federal law.
28 Plaintiff understands that, if the facts concerning any injuries, liability for damages pertaining thereto, or

1 liability for attorneys' fees, costs or litigation expenses are found hereafter to be other than or different
2 than the facts now believed by it to be true, this Stipulation shall be and remain effective
3 notwithstanding such material difference.

4 4. Execution of this Stipulation shall constitute dismissal of this case with prejudice
5 pursuant to Federal Rule of Civil Procedure 41(a).

6 5. The parties acknowledge that this Stipulation is entered into solely for the purpose of
7 settling and compromising any remaining claims in this action without further litigation, and it shall not
8 be construed as evidence or as an admission on the part of Defendant, the United States, its agents,
9 servants, or employees regarding any issue of law or fact, or regarding the truth or validity of any
10 allegation or claim raised in this action, or as evidence or as an admission by the Defendant regarding
11 Plaintiff's entitlement to attorneys' fees, costs, or other litigation expenses under FOIA. This
12 Stipulation shall not be used in any manner to establish liability for fees or costs in any other case or
13 proceeding involving Defendant.

14 6. This Stipulation is binding upon and inures to the benefit of the parties hereto and their
15 respective successors and assigns.

16 7. If any provision of this Stipulation shall be held invalid, illegal, or unenforceable, the
17 validity, legality, and enforceability of the remaining provisions shall not in any way be affected or
18 impaired thereby.

19 8. This Stipulation shall constitute the entire agreement between the parties, and it is
20 expressly understood and agreed that this Stipulation has been freely and voluntarily entered into by the
21 parties hereto. The parties further acknowledge that no warranties or representations have been made on
22 any subject other than as set forth in this Stipulation.

23 9. The persons signing this Stipulation warrant and represent that they possess full authority
24 to bind the persons on whose behalf they are signing to the terms of the Stipulation.

25 10. This Stipulation may not be altered, modified or otherwise changed in any respect except
26 in writing, duly executed by all of the parties or their authorized representatives.

27 11. It is contemplated that this Stipulation may be executed in several counterparts, with a
28 separate signature page for each party. All such counterparts and signature pages, together, shall be


1 deemed to be one document

2 IT IS SO STIPULATED.


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4 DATED: August 30, 2021

Respectfully submitted,

5 STEPHANIE M. HINDS
6 Acting United States Attorney

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8 
9 SHIWON CHOE
Assistant United States Attorney
Attorneys for Defendant

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11
12 IMMIGRANT RIGHTS CLINIC

13 
14
15 LISA WEISSMAN-WARD
16 SHANTI THARAYIL
Attorneys for Plaintiff